

**FOURTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 19, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Fellbaum. Moore.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.****Senate Bill No. 15.**

By Senator Hopkins:

S. B. No. 15, A bill to be entitled "An Act amending Subdivision 18 of Article 1302, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

**Senate Bill No. 16.**

By Senators Small, Burns, Redditt, Martin, Woodruff, Pace, Hill, Sanderford, Isbell, DeBerry and Oneal:

S. B. No. 16, A bill to be entitled "An Act defining and prohibiting the open saloon and providing penalties for the violation thereof and declaring an emergency."

Read and referred to the Committee on State Affairs.

**Senate Bill No. 17.**

By Senators Holbrook and Woodruff:

S. B. No. 17, A bill to be entitled "An Act repealing Article 7319, Acts 1927, Fortieth Legislature, page 25, Chapter 20, Section 1, as amended by Acts 1927, Fortieth Legislature, First Called Session, page 195, Chapter 69, Section 1, Acts of 1927, Fortieth Legislature, First Called Session, page 195, Chapter 70, Section 1, and Acts of 1933, Forty-third Legislature, First Called Session, page 271, Chapter 98, amending Article 7320, Revised Civil Statutes 1925, Chapter 10, providing a lien for taxes which have become delinquent since December 31, 1919, and forever barring taxes returned delinquent prior to that date; amending Article 7321, Revised Civil Statutes 1925, Chapter 10, providing for the compilation of delinquent tax records and for the payment of the cost thereof; amending Article 7323, Revised Civil Statutes 1925, Chapter 10; amending Article 7324, Revised Civil Statutes 1925, as amended Acts 1931, Forty-second Legislature, page 196, Chapter 117, Section 1, and declaring an emergency."

Read and referred to the Committee on State Affairs.

**Senate Bill No. 13.**

Senator Redditt received unanimous consent to suspend the regular order of business and take up S. B. No. 13.

The rule requiring bills to be printed and copies lie on the desks for 24 hours was suspended by the required two-thirds vote.

By Senator Hornsby:

S. B. No. 13, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund in the sum of Two Hundred Thousand Dollars (\$200,000.00), to be used in the building of a Texas Supreme Court Memorial Building at Austin, Texas, on the tract of land heretofore appropriated by the Legislature for such purpose, said tract being located on the corner of Congress Avenue and Eleventh Street, in the City of Austin, Texas; said sum to

be added to whatever money is allocated, apportioned, or designated by any Federal Governmental agency, but to be void unless such money is allocated, apportioned, or designated by any Federal Governmental agency, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 13 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Oneal.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	

Read third time and finally passed by the following vote:

**Yeas—21.**

Beck.	Rawlings.
Burns.	Redditt.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.
Poage.	

**Nays—6.**

Blackert.	Hill.
Collie.	Pace.
Cotten.	Sulak.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	

**Senator Excused.**

Senator DeBerry was excused for the day on account of sickness on motion of Senator Sulak.

**Bills Rereferred.**

On motion of Senator Rawlings and by unanimous consent of the Senate, Senate Bills Nos. 5, 6, 7, 8, 9, 10, 11, 12 and 15 were rereferred to the Committee on State Affairs.

**Recess.**

On motion of Senator Pace the Senate at 10:15 o'clock a. m., recessed until 11 o'clock a. m., today.

**After Recess.**

The Senate was called to order at 11 o'clock a. m., pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

**Recess.**

On motion of Senator Pace the Senate at 11 o'clock a. m., recessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

**Point of Order.**

Senator Hill raised the point of no quorum.

The roll call was ordered.

The roll call disclosed no quorum.

**Call of the Senate.**

Senator Hill moved that a call of the Senate be made to secure and maintain a quorum.

The motion was seconded by five members.

The motion prevailed by viva voce vote.

The Chair requested the Secretary to furnish the names of the absent Senators to the Sergeant-at-Arms and

that he be instructed to lock the doors and allow no one to leave and bring in the absent Senators.

Senators Blackert, Hopkins, Neal, Sulak, Sanderford and Woodruff appeared at the bar of the Senate and the Chair announced a quorum present.

#### Senate Called to Order.

The Chair called the Senate to order at 2:15 o'clock p. m.

#### Senator Excused.

Senator Westerfeld was excused for the balance of the day and tomorrow on account of important business on motion of Senator Hill.

#### Senate Bill No. 18.

Senator Regan received unanimous consent to suspend the regular order of business and sent up the following bill:

By Senator Regan:

S. B. No. 18, A bill to be entitled "An Act authorizing commissioners' courts in counties having a population of not less than 125,000 inhabitants and not more than 250,000 inhabitants, and containing a city of not less than 90,000 inhabitants, according to the last preceding Federal census, to levy a direct tax of not more than five cents on the one hundred dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a board of county development devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### Senate Bill No. 5.

Senator Rawlings asked unanimous consent that the Senate rule requiring printed copies of bills to lie on the desks for 24 hours be suspended so as to consider S. B. No. 5.

There was objection.

Senator Rawlings moved to suspend the Senate rule requiring

printed copies of bills to lie on desks for 24 hours, so as to take up for consideration S. B. No. 5.

The motion prevailed by the following vote:

#### Yeas—15.

Beck.	Pace.
Blackert.	Rawlings.
Cotten.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Shivers.
Neal.	Woodruff.
Oneal.	

#### Nays—6.

Colbie.	Isbell.
Davis.	Poage.
Hill.	Van Zandt.

#### Absent.

Burns.	Stone.
Holbrook.	Sulak.
Small.	

#### Absent—Excused.

DeBerry.	Moore.
Fellbaum.	Westerfeld.

By Senator Rawlings:

S. B. No. 5, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and to provide that this act shall control over any provisions in any city charter to the contrary and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

Senator Rawlings moved to suspend the constitutional rule requiring bills to be read on three several days so as to put S. B. No. 5 on its third reading and final passage.

The motion failed by the following vote:

**Yeas—16.**

Beck.	Pace.
Blackert.	Rawlings.
Cotten.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Shivers.
Neal.	Van Zandt.
Oneal.	Woodruff.

**Nays—6.**

Collie.	Isbell.
Davis.	Poage.
Hill.	Sulak.

**Absent.**

Burns.	Small.
Holbrook.	Stone.

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Westerfeld.

**Bills Printed.**

On motion of Senator Rawlings Senate Bills Nos. 5, 6, 7, 8, 9, 10, 11 and 12 were ordered printed.

**Bills Set as Special Order.**

On motion of Senator Rawlings Senate Bills Nos. 5, 6, 7, 8, 9, 10, 11 and 12 were each set as special order, in the order named for Friday morning at 11 o'clock.

**Vote Recorded.**

Senator Hill asked to be recorded as voting "no" on the motions to set bills as special order.

**Senate Bill No. 15.**

Senator Hopkins moved to suspend the regular order of business and take up S. B. No. 15.

The motion prevailed by viva voce vote.

Senator Hopkins moved to suspend the rule requiring printed copies of bills to lie on desks for 24 hours, so as to take up for consideration S. B. No. 15.

The motion prevailed by viva voce vote.

S. B. No. 15, A bill to be entitled "An Act amending Subdivision 18 of Article 1302, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 15 was put on its second reading and final passage by the following vote:

**Yeas—25.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Woodruff.
Oneal.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Westerfeld.
Holbrook.	

The bill was read second time and passed to engrossment.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 15 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Woodruff.
Oneal.	

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Westerfeld.
Holbrook.	

Read third time and finally passed by the following vote:

**Yeas—22.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
Davis.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Woodruff.

**Nays—2.**

Hill.	Redditt.
-------	----------

**Absent—Excused.**

DeBerry.	Moore.
Fellbaum.	Small.
Holbrook.	Westerfeld.

**Adjournment.**

On motion of Senator Van Zandt the Senate at 3:05 o'clock p. m., adjourned until 10 o'clock a. m., Friday.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Sept. 18, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 3 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 13 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Sept. 17, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 13, A bill making an appropriation out of the General Revenue Fund in the sum of two hundred thousand dollars (\$200,000.00) to be used in the building of a Texas Supreme Court Memorial Building at Austin, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 5, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and to provide that this act shall control over any provisions in any city charter to the contract, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, Sept. 19, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State

Affairs, to whom was referred

S. B. No. 6, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States Government; validating such bonds and the tax levies made for the payment of such bonds and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 7, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns in the issuance and sale of revenue obligations under the provisions of Articles 1111 to 1118, Revised Civil Statutes of 1925, as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administrator of Public Works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said bonds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 8, A bill to be entitled "An Act validating all school districts heretofore established, validat-

ing all elections and the levy of taxes by school districts, validating all proceeding had in the issuance of bonds and the levying of taxes therefor, validating bonds heretofore authorized or voted but not yet issued when such bonds are to be used in financing any undertaking for which a loan or grant has been made through the Federal Emergency Administrator of Public Works, providing that this Act shall not apply to districts which may have been established or consolidated and later returned to its original status, providing that this Act shall not apply to any district the organization or creation or tax levy of which is now involved in litigation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 9, A bill to be entitled "An Act validating, legalizing, and approving severally all the acts of the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers College, the Board of Regents of the College of Industrial Arts, and the Board of Directors of the College of Arts and Industries, in the authorization and issuance of bonds, notes, or warrants heretofore issued or that have heretofore been authorized but not yet issued, validating and approving the pledge of revenues to the payment of said bonds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee of State Affairs, to whom was referred

S. B. No. 10, A bill to be entitled "An Act amending Section 2 of Chapter 109, Acts of the First Called Session of the Forty-third Legislature by providing that warrants issued under subdivision (b) thereof shall be negotiable and that the same may be sold for not less than par value to the United States of America acting through the Federal Emergency Administrator of Public Works or other Federal agency, and further providing that all warrants heretofore issued under subdivision (b), shall be negotiable instruments; and amending Section 4 of said Act so as to provide that powers conferred by this Act shall not be exercised after June 30, 1937 and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 11, A bill to be entitled "An Act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city, or incorporated town of this state for public works projects, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 12, A bill to be entitled "An Act providing that all bonds,

notes, or warrants heretofore issued or which have been authorized but not yet issued or which may be hereafter issued under the provisions of Articles 1111 to 1118, inclusive, Revised Civil Statutes of Texas for 1925, including all amendments thereto, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works shall be negotiable instruments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Sept. 19, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 15, A bill to be entitled "An Act amending Subdivision 18 of Article 1302, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

#### Minutes of Committee Meeting.

Minutes of Committee on Minnig, Irrigation and Drainage.

Held September 18, 1935.

Called Meeting.

Present: Regan, Blackert, DeBerry, Holbrook, Stone, Hill, Burns, Neal.

Absent—excused: Hopkins, Small, Van Zandt.

Committee Substitute for S. B. No. 3 was reported favorably with the following vote:

Yeas: Regan, Holbrook, Stone, Burns, Neal; Nays: Blackert, DeBerry and Hill.

ORVALEA WILLBANKS,

Secretary.